

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

MDL No. 2323
12-md-2323

THIS DOCUMENT RELATES TO:
ALL ACTIONS

ORDER APPOINTING SPECIAL MASTER

AND NOW, this 15th day of July, 2019, under Federal Rule of Civil Procedure 53 and the inherent authority of the Court, it is ordered that Susan M. Lin, Esquire, a partner at Kairys, Rudovsky, Messing, Feinberg & Lin, is appointed as Special Master to advise the Court regarding the protection of participants' rights in the investigative process.

I. BACKGROUND

- On December 10, 2018, the Court appointed a Special Investigator to assist the Court, the Special Masters, and the Claims Administrator in investigating the submission of possibly fraudulent claims to the NFL Concussion Settlement Program (ECF No. 10355).¹
- In order to encourage the knowing and intelligent participation of all individuals during the course of any investigation, the Court wishes to appoint a special master to advise the Court regarding the protection of participants' rights in the investigative process. This special

¹ The National Football League and NFL Properties LLC (together, the "NFL Parties") moved for the appointment of a Special Investigator to assist in the investigation of possibly fraudulent claims on April 13, 2018 (ECF No. 9880). The Court deferred decision on the NFL Parties' motion until such time the Claims Administrator or the Special Masters alerted the Court that a Special Investigator was necessary to faithfully implement the Settlement Agreement (ECF No. 10144). The Special Masters requested the appointment of a Special Investigator on September 12, 2018 (ECF No. 10255). The Court's appointment order of December 10, 2018, specifies that the "Special Investigator's work will focus on the role of attorneys or healthcare professionals" involved in the submission of certain potentially fraudulent claims.

master should be highly knowledgeable and experienced in the areas of constitutional law, criminal law, and criminal procedure.

- The Court gave the parties notice and the opportunity to be heard on the Court's proposal that a special master be appointed and that Ms. Lin be the appointee pursuant to Fed. R. Civ. P. 53(a)(1)(A) and (C). The parties have consented to this proposal.
- The Court is satisfied that Ms. Lin has the requisite experience and qualifications to fulfill the tasks contemplated by the Court under Fed. R. Civ. P. 53.
- Pursuant to Fed. R. Civ. P. 53(b)(3)(A), Ms. Lin has filed an affidavit stating that no grounds exist for her disqualification. The affidavit is attached to this Order.
- Pursuant to Fed. R. Civ. P. 53(a)(3), the Court has considered the fairness of imposing the expenses associated with a master on the parties, and has taken steps to ensure that there will not be unreasonable expense or delay associated with this procedure.
- Pursuant to Fed. R. Civ. P. 53(g), the special master's compensation will be a fixed hourly rate to be approved by the Court after consultation with Counsel for the NFL Parties and Lead Class Counsel.
- The special master must submit actual fees (based on the Court-approved hourly rate) on a quarterly basis to the Court, Counsel for the NFL Parties, and Lead Class Counsel.
- Upon approval by the Court, these fees shall be paid out of the Monetary Award Fund.²

II. DUTIES AND RESPONSIBILITIES OF THE MASTER

Ms. Lin is appointed as master under the following terms and conditions:

² The special master's compensation will not affect the amount of funds available to compensate Settlement Class Members because the Monetary Award Fund is uncapped.

- Upon request of the Court, the Master will advise the Court on the protection of participants' rights in the investigative process.
- The Master must proceed with all reasonable diligence.
- The Master will perform her duties independent of the Parties and will report directly to, and take direction from, the Court.
- The Master is authorized to communicate ex parte with the Court, the Special Masters, and the Special Investigator.
- The Master must keep appropriate records of her activities.
- The Master must not communicate ex parte with the parties.


ANITA B. BRODY, J.

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SPECIAL MASTER AFFIDAVIT

Susan M. Lin, being duly sworn, deposes and states as follows:

1. I understand that the Honorable Anita B. Brody (U.S.D.C, E.D.Pa.) intends to appoint me as a special master in the case of *In Re: National Football League Players' Concussion Injury Litigation*, Civil Action No. 2:12-md-02323-AB.
2. I am submitting this Affidavit in accordance with Federal Rule of Civil Procedure 53(b)(3)(A).
3. I have familiarized myself with the issues and parties involved in the case.
4. I hereby confirm that I do not have a relationship to any of the parties, attorneys, action, or court that would require disqualification of a judge under 28 U.S.C. § 455.


Susan M. Lin

Sworn before me and subscribed in my presence this 15th day of July, 2019.

